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|--|-------------|----------------------|-------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
| 10/500,243   | 10/25/2004  | Kiyotaka Uchimoto    | 4035-0169PUS1                 | 8938             |
| 2292 7590 11/16/2007<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | EXAMINER<br>LUDWIG, MATTHEW J |                  |
|  |             |                      | ART UNIT                      | PAPER NUMBER     |
|  |             |                      | 2178                          |                  |
|  |             |                      | NOTIFICATION DATE             | DELIVERY MODE    |
|  |             |                      | 11/16/2007                    | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/500,243

Applicant(s)

UCHIMOTO ET AL.

Examiner

Matthew J. Ludwig

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to the amendment received 9/4/2007.
2. Claims 1, 4-7, and 10-15, are pending in the application. Claims 1 and 7 are independent claims.
3. Claims 1, 4-7, and 10-15, rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, have been withdrawn pursuant to applicant's amendment. Furthermore, claims 5 and 11, rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, have been withdrawn pursuant to applicant's amendment.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**In reference to dependent claim 5, the limitations states the following:**

‘wherein in the text generation step, word inserting means, using a learning model’

The language is vague and leaves the claim open to multiple interpretations. The phrase ‘wherein in’ should be changed to directly point out the function of the text generation step.

Furthermore, the Examiner cannot find any mention of the ‘word inserting means’ and is unsure

Art Unit: 2178

whether the ‘word inserting means’ is referring to the word selected by the user or the word selected using the database.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 4-7, and 10-15, are rejected under 35 U.S.C. 102(e) as being anticipated by Micher et al., USPN 7,177,797 filed (8/31/200).**

**In reference to independent claim 1, Micher teaches:**

If a selection of the displayed word choice is made, namely a word or word chunk, it is received by a processor which determines whether or not a selected word choice is one with a predetermined identifier (compare to “*an input step for inputting at least a word as a keyword through input means*”). See page 7, lines 45-67.

In response to receiving selection of the displayed word chunk, the system utilizes the word chunk in place of the input character for word prediction and is thus sent to the word prediction software for selection of word chunks (compare to “*extracting step for extracting a text including one or more keywords from a database*”). See column 7, lines 45-67 and column 8, lines 1-67.

Art Unit: 2178

If the words including the selected word chunk include other words including an additional identifier identifying a next word chunk, the system will display these new word chunks up to what essentially is a second predetermined identifier (compare to “*text generation step for generating an optimum text based on the extracted text by text generation means*”).

See column 8, lines 20-67.

The morphing functions are used to generate all possible morphs or inflection forms of the displayed and selected word. Stored morphing data, stored along with various ones of the words in a database is used to determine which morphing functions will be used (compare to “parser means morphologically analyzes and parses the extracted text to obtain a dependency structure of the text by determining the probability of dependency of the entire text”). See column 8, lines 40-67. Furthermore, Micher discloses morphing categories based upon nouns, verbs, adjectives, etc. The morphing codes provide a proficient example of a dependency structure as presently claimed. The statistical technique would have been the methods for determining morphing codes and applying said techniques to analyze and words stored in a database and presented to a user. See column 11, lines 1-67 and column 12, lines 1-67.

**In reference to dependent claim 4, Micher teaches:**

If it is determined not to generate the first person singular form of the verb, the system proceeds where it is determined whether or not to generate the second person singular form of the verb based upon input data. If so, it is determined whether or not an irregular form of the verb is provided based upon information stored in the database. See column 17, lines 3-67.

Art Unit: 2178

**In reference to dependent claim 5, Micher teaches:**

The system utilizes the 'imfs', to derive the different morphs of various nouns, verbs, and adjectives accessed by a symbol sequence. This is done by making some icons dependent icons which, when completing an icon sequence, allow for the morphing or creation of a morphed form of the main word. See page 19, lines 1-56.

**In reference to dependent claim 6, Micher teaches:**

A text characteristic pattern utilized through codes. The codes listed (column 12, lines 1-45) illustrate a characteristic text pattern for many different types of words. See column 12, lines 1-45.

**In reference to dependent claim 13, Micher teaches:**

Morphing categories based upon nouns, verbs, adjectives, etc. The morphing codes provide a proficient example of a dependency structure as presently claimed. The statistical technique would have been the methods for determining morphing codes and applying said techniques to analyze and words stored in a database and presented to a user. See column 11, lines 1-67 and column 12, lines 1-67.

**In reference to dependent claim 14, Micher teaches:**

Morphing categories based upon nouns, verbs, adjectives, etc. The morphing codes provide a proficient example of a dependency structure as presently claimed. The statistical technique would have been the methods for determining morphing codes and applying said techniques to analyze and words stored in a database and presented to a user. See column 11, lines 1-67 and column 12, lines 1-67.

Art Unit: 2178

**In reference to claims 7, 10, 11, 12, and 15**, the claims recite similar language found in the rejected claims, numbered 1, 4, 5, 6, and 14. Therefore, the claims are rejected under similar rationale.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 4-7, 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the independent claim and changed the scope of the invention when read as a whole. Prior to the amendment, the claim read as followed:

“a text generation step for generating an optimum text based on the input keyword by combining the text or the phrase extracted text by text generation”.

As presently claimed, the limitation now states,

“a text generation step for generating an optimum text based on the extracted text by text generation”.

The following changes required the Examiner to search and adjust the rejections to the claims. As such, the newly added reference to Micher was utilized to reject the amended claims under 35 U.S.C. 102(e) and the rejection under 35 U.S.C. 103(a) as being unpatentable over Abe was withdrawn.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

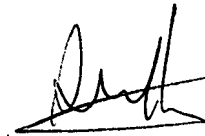
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**